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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/204,370	12/04/1998	ROOZBEH ATARIUS	040070-238	5440

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EXAMINER

LUGO, DAVID B

ART UNIT PAPER NUMBER

2634

DATE MAILED: 11/05/2003

*18*

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/204,370

Applicant(s)

ATARIUS ET AL.

Examiner

David B. Lugo

Art Unit

2634

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-16, 18, 19, 21, 22, 24, 26, 27, 29 and 31.

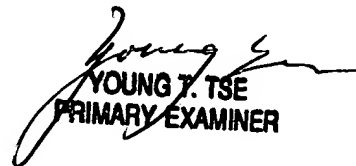
Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive. Regarding claim 19, Applicant argues that Kitade in combination with Daudelin do not disclose or suggest a selector that receives a quality signal from a Rake receiver. In particular, Applicant argues that the finger assignor of Daudelin performs functions of a path searcher. However, in addition to providing the functions of a searcher, the finger assignor of Daudelin provides the function of selecting or assigning paths to be demodulated in the Rake receiver. In the finger assignment of Daudelin, which includes the functions of both the assignor 404 and de-assignor 410, disclosed as capable of being implemented in a single unit (col. 4, lines 23-32), Daudelin provide the teaching of using quality signals from the Rake receiver in assigning/deassigning fingers to be demodulated in order to demodulate the best constituent signals. Thus, one of ordinary skill in the art would have been motivated to employ the teaching of Daudelin of using quality signals in the selection of paths to be assigned to a Rake receiver in the path selection of Kitade, which also assigns paths to be demodulated by a Rake receiver, for optimal demodulation by the Rake receiver.

Regarding claim 1, Applicant argues that Kitade in combination with Daudelin and Kubo do not disclose or suggest that the second stage generates the set of N paths more frequently than the first stage generates the set of more than N paths. Kubo discloses a Rake receiver where a timer determines when a search operation is to be performed, while the receiver is continually demodulating received signals. After a search operation is complete (step S26 - Fig. 10), the searcher is placed in a sleep mode (S27) until a set time elapses (S28). One of ordinary skill in the art would have been motivated to employ a sleep mode for a searcher as taught by Kubo in the searcher of Kitade to conserve power. Searcher (200) of Kitade would thus be placed in a sleep mode to conserve power, while the rest of the receiver is still in operation. That is, correlator for trackings 202 is still using the paths from processor 206 to track and select paths for demodulation. Thus, when searcher 200 is in a sleep mode, the selector is still operating, continually generating paths for demodulation which is more frequent than the intermittent search operation. Regarding applicant's argument that Kitade in combination with Daudelin fail to disclose or suggest a second stage that receives a quality signal from a Rake receiver, see discussion of claim 19 above.

With respect to Applicant's arguments regarding remaining independent claims 14, 22 and 27, see discussion of claims 1 and 19 above.

  
YOUNG T. TSE  
PRIMARY EXAMINER